

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DANTE A. DIFRONZO,)
Plaintiff,)
v.)
CITY OF SOMERVILLE, et al.,)
Defendants.)

**Civil Action No.
21-10867-FDS**

MEMORANDUM AND ORDER ON PRE-JUDGMENT INTEREST RATE

SAYLOR, C.J.

In this case, the jury found liability on both plaintiff's 42 U.S.C. § 1983 claim and on his state-law claim for tortious interference with a contractual relationship. (ECF 99 at 1, 2). The tort giving rise to the interference claim was the constitutional tort plaintiff established through his federal law claim. The unified nature of this injury suggests that interest should be awarded at a unified rate. *See, e.g., Okosi v. Roby*, 715 F. Supp. 3d 166, 181 (D. Mass. 2024) (prevailing on state tort claim and federal constitutional tort claim with undifferentiated injury entitles plaintiff to 12 percent state statutory rate on the damage award).

Pre-judgment interest on federal law claims is discretionary. *See City of Milwaukee v. Cement Div., Nat. Gypsum Co.*, 515 U.S. 189, 194 (1995). Pre-judgment interest on state-law tortious interference claims entitles plaintiffs to an interest rate of 12 percent per annum from the date the action commences. *See Mass. Gen. Laws. ch. 231 § 6B; Primarque Prods. Co. v. Williams W. & Witts Prods. Co.*, 988 F.3d 26, 45 (1st Cir. 2021). Compounding pre-judgment interest is discretionary, but disfavored, in the Commonwealth. *See Sec'y of Admin. & Fin. v. Lab. Rels. Comm'n*, 434 Mass. 340, 347–48 (2001).

Accordingly, the Court will award interest at a simple rate of 12 percent per annum on plaintiff's damages in this case.

So Ordered.

Dated: January 30, 2025

/s/ F. Dennis Saylor IV

F. Dennis Saylor IV

Chief Judge, United States District Court